

## Housing Executive Board Member Code of Practice, April 2017

Title	Housing Executive Board Member Code of Practice, April 2017
Aim	To ensure Housing Executive Board Members are fully aware of their roles and responsibilities and of the behaviours expected from them as an NDPB Board Member and, the principles associated with managing public money.
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## **Housing Executive Board Member Code of Practice, April 2017**

This document sets out a Code of Practice for Board Members of the Northern Ireland Housing Executive.

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## 1.0 Public Services Values

1.1 The Housing Executive and the Housing Executive Board will seek to promote the core values of the organisation, namely:

- Openness and accountability;
- Responsiveness to our customers and community;
- Fairness and equity;
- Valuing and developing staff;
- Care for the environment;
- Value for money.

1.2 The Housing Executive and the Housing Executive's Board must at all times:

- observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the management of the Organisation;
- maximise value for money through ensuring that services are delivered in the most economical, efficient and effective way, within available resources, and with independent validation of performance achieved wherever practicable. Value for money is not the lowest price: it is the optimum combination of whole life costs and quality to meet the users' requirement;
- be accountable to the Northern Ireland Assembly ("the Assembly"), users of services, individual citizens and staff for the activities of the Housing Executive, their stewardship of public funds and the extent to which key performance targets and objectives have been met;
- in accordance with Government policy on openness, comply fully with the principles of the Freedom of information Act 2000; the Data Protection Act 1998 and Environmental Information Regulations 2004;
- ensure that their actions and discussions are informed by the:

### **Seven Principles of Public Life:**

#### **1. Selflessness**

Holders of public office should take decisions solely in terms of the public interest.

#### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They

should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. **Honesty**

Holders of public office should be truthful.

7. **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **2.0 Relationship with the Department**

- 2.1 The Minister for Communities (“the Minister”) is answerable to the Assembly for the policies and performance of the Housing Executive including its use of resources and the policy framework within which it operates. The respective roles of the Department and the Housing Executive are set out in the Management Statement and Financial Memorandum framework document (MSFM).

## **3.0 General Conduct**

- 3.1 The Housing Executive has a ten member Board. The role of the Board is to provide effective strategic leadership, direction, challenge, support and guidance to the organisation in support of the Programme for

Government (PfG), Ministerial policies, DfC housing strategies, government reforms and the Housing Executive's Mission Statement:

'Working in partnership to ensure that everyone has access to a good affordable home in a safe and healthy community'.

### **Strategic Planning and Control**

- 3.2 A key task of the Board is the oversight of the production of a Corporate Plan. The process of preparing such a document provides an opportunity for agreeing, with the Minister or officials on his or her behalf, the policy and resources framework within the Housing Executive will discharge its duties; and for determining its key strategic objectives and targets. Such targets should normally cover areas such as the Organisation's financial performance; the efficiency and effectiveness of its operations; and the quality of the services it provides.

To this end the Board and its Members shall:

1. establish the overall strategic direction of the Housing Executive within the policy and resources framework determined by the Minister;
2. oversee the production of a Corporate Plan including determination of key strategic objectives and targets as approved by the Minister;
3. ensure that the organisation fulfils the aims and objectives set out in the Corporate & Business Plans and promote the economic, efficient and effective use of staff and other resources by the Housing Executive;
4. ensure DfC is kept informed of any changes likely to impact on the strategic direction of the Housing Executive or on the attainability of its targets and determine the steps needed to deal with such changes;
5. ensure they receive and review up to date financial/managerial information concerning the management of the Housing Executive; be informed in a timely manner about any concerns about the activities of the Housing Executive; and provide positive assurance to DfC that appropriate action has been taken on such concerns;
6. appoint, with DfC approval, a Chief Executive to the Housing Executive and, in consultation with DfC, set performance objectives and remuneration terms linked to these objectives for the Chief Executive, which give due weight to the proper management and use of public monies;

7. oversee performance including financial performance, the efficiency and effectiveness of operations and the quality of services;
8. take due account of risk analyses and performance measures;
9. consider all matters reserved to it under the current Board Scheme of Delegations. A list of matters currently reserved to the Board for approval is found at Appendix 1 and, in the Housing Executive's Standing Orders and Board Scheme of Delegations on the Housing Executive's website [www.nihe.gov.uk](http://www.nihe.gov.uk);
10. ensure the proper delegation of responsibility and accountability for specified matters to individual NEBMs (Members) or Committees of the Board;
11. constructively challenge the Housing Executive's executive team in their planning, target setting and delivery of performance.

### **Use of Public Funds**

- 3.3 Members have a duty to ensure the safeguarding of public funds and the proper custody of assets which have been publicly funded.

Members must carry out fiduciary obligations responsibly - that is, take appropriate measures to ensure that the body uses resources efficiently, economically and effectively, avoiding waste and extravagance. It will always be an improper use of public funds for public bodies to employ consultants or other companies to lobby the Assembly, Ministers or political parties.

To this end the Board and its Members shall:

1. ensure that any statutory or administrative requirements, including those for the use of public funds, are complied with; that the Board operates within the limits of its statutory authority and any delegated authority agreed with DfC and in accordance with any other conditions relating to the use of public funds and that, in reaching decisions, the Board takes into account all relevant guidance issued by DoF and DfC;
2. demonstrate high standards of corporate governance at all times, including using the independent Audit & Risk Assurance Committee to help the Board to address the key financial and other risks facing the Housing Executive;
3. ensure compliance with the principles of the Freedom of Information Act 2000; the Data Protection Act 1998 and Environmental Information Regulations 2004;

4. ensure compliance with the Public Service Values as set out in paragraph 1.0 and Appendices 2 and 3.

### **Allowances**

- 3.4 Members must comply with the rules set by the Board and the Housing Executive regarding remuneration, allowances and expenses. Payment and taxation of these should be in line with relevant HM Revenue and Customs and DoF guidance. Ultimately, it is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

### **Sustainable Development**

- 3.5 The Board and its Members shall:
  1. operate within the framework of the Sustainable Development Strategy;
  2. operate sound environmental, social and economic policies.

### **Gifts and Hospitality**

- 3.6 Members must not accept any gifts or hospitality which might, or might reasonably appear to, compromise their personal judgement or integrity or place them under an improper obligation.
- 3.7 Members must never canvass or seek gifts or hospitality.
- 3.8 Members must comply with the rules set by the Housing Executive on the acceptance of gifts and hospitality which are in line with current DoF guidance and which are set out in the extract from the Staff Code 2015, at Appendix 2 and the Gifts and Hospitality Policy at Appendix 3.

Members should inform the Chair and Chief Executive (or equivalent), of, and seek their approval to, accept any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set up by the Housing Executive. Members are reminded to record all gifts and hospitality, whether accepted or declined and to complete a Gifts & Hospitality return monthly, even if it is a nil return.
- 3.9 Members are reminded that, in accordance with Housing Executive Financial Controls Procedure (Hospitality, Gifts and Awards), the total costs of alcoholic drinks must not exceed one third of the total bill.
- 3.9 Members are responsible for their decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the Housing Executive into disrepute.

## 4.0 The Role of the Chair

- 4.1 The Chair has particular responsibility for providing effective strategic leadership on matters such as:
- a) ensuring the formulation of the Board's strategy for discharging its statutory duties;
  - b) encouraging high standards of propriety, and promoting the efficient and effective use of staff and other resources throughout the organisation;
  - c) ensuring that the Board, in reaching decisions, takes proper account of guidance provided by the Minister or the Department;
  - d) representing the views of the Board to the general public; and
  - e) providing an assessment of performance of individual Board Members, on request, when they are being considered for re-appointment to the Board or for appointment to the Board of some other public body.

- 4.2 The Chair should ensure that the Board meets at regular intervals throughout the year and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Board Members.

Communications between the Board and the Minister will normally be through the Chair except where the Board has agreed that an individual Member should act on its behalf. Nevertheless, an individual Member has the right of access to Ministers on any matter which he or she believes raises important issues relating to his or her duties as a Member of the Board. In such cases the agreement of the rest of the Board should normally be sought.

The main point of contact between the Housing Executive and the Department on day-to-day matters will normally be the Chief Executive or another member of staff who is authorised to act on behalf of the Housing Executive.

- 4.3 The Chair should ensure that all Members of the Board, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities. The Chair and other Members of the Board should each have a copy of this Code of Practice; the Board Operating Framework (TOR) other relevant background material such as the Housing Executive's latest Annual Report; its latest Corporate Plan; the Treasury's memorandum, The Responsibilities of a NDPB Accounting Officer; the Treasury's handbook, 'Regularity and Propriety'; briefings describing the Housing Executive's organisational structure and statutory basis of operation; and the Housing Executive's 'Standing Orders and Board Scheme of Delegations'.
- 4.4 The Chair should ensure that new Board Members, where they have not already done so attend an induction course on the duties of Board Members of public bodies or some other suitable form of induction programme.



## **5.0 Corporate Responsibilities of Board Members**

5.1 The Board and its Members have corporate responsibility for ensuring that the Housing Executive complies with any statutory or administrative requirements for the use of public funds. Other important responsibilities of Board Members include:

- ensuring that high standards of corporate governance are observed at all times;
- establishing the overall strategic direction of the organisation within the policy and resources framework agreed with the Minister;
- overseeing the delivery of planned results by monitoring performance against agreed strategic objectives and targets;
- ensuring that the Board operates within the limits of its statutory authority and any delegated authority agreed with the Department, and in accordance with any other conditions relating to the use of public funds;
- ensuring that, in reaching decisions, the Board has taken into account any guidance issued by the Department;
- formulating a strategy for implementing the principles and requirements of the Freedom of information Act 2000; the Data Protection Act 1998 and Environmental Information Regulations 2004 including prompt response to public requests for information and meeting other requirements for openness and responsiveness;
- ensuring that the Board carries out its responsibilities for sustainable development and operates within the framework of the Sustainable Development Strategy;
- ensuring that the Housing Executive manages its estate sustainably in line with the Government's Framework for Sustainable Development on the Government Estate.

## **6.0 Delegation**

6.1 Board Members serve on a part-time basis. To the extent permitted by the originating legislation or other provisions under which the Housing Executive is established, responsibility for day-to-day management matters should be delegated to staff so far as is practicable, within a clearly understood framework of strategic control. The Board's 'Standing Orders and Board Scheme of Delegations' provides guidance

covering those matters delegated to staff and those reserved for decision by the Board.

- 6.2 The Board may decide to delegate, where it has power to do so, responsibility for specified matters to individual Members or Committees of the Board. Decisions taken by individual Members or Committees of the Board under delegated powers should be recorded in written minutes available to the Board as a whole.

## **7.0 Responsibilities of Individual Board Members**

- 7.1 Individual Board Members should be aware of their wider responsibilities as Members of the Board. Like others who serve the public, they should follow the Seven Principles of Public Life set out in paragraph 1.2.

Board Members must:

- a. undertake on appointment to comply at all times with this Code of Practice and with government rules and guidance relating to the use of public funds;
  - b. act in good faith and in the best interests of the Housing Executive;
  - c. not misuse information gained in the course of their public service for personal gain or for political purposes, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations;
  - d. not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after you have left the Board;
  - e. ensure that they comply with the Housing Executive's rules and Board procedures on the acceptance of gifts and hospitality;
  - f. respect the principle of collective decision-making and corporate responsibility. This means that, once the Board has made a decision, Board Members should support that decision;
  - g. comply with any statutory or administrative requirements relating to your post.
- 7.2 Board Members should be and be seen to be politically impartial. They are expected not to occupy paid party political posts or hold particularly sensitive or high-profile unpaid roles in a political party. Subject to that, Members may engage in political activities, provided that they remain conscious of their responsibilities as a Board Member and exercise proper discretion, particularly in regard to the work of the Board. On

matters directly affecting that work, they should not make political speeches or engage in other political activities and in their official capacity, should be even-handed in all dealings with political parties. Members should inform the Chair and the sponsor Department before undertaking any significant political activity.

- 7.3 The arrangements for appointing individual members of public bodies make it possible to remove them from office if they fail to perform the duties required of them to the standards expected of persons who hold public office.

## 8.0 Handling Conflicts of Interest

- 8.1 Board Members should declare any personal or business interest which may, or may be perceived to, conflict with their responsibilities as Board Members. The Board, in consultation with the Department, has drawn up these rules of conduct for Board Members which seek to ensure that such conflicts are identified at an early stage and that appropriate action can be taken to resolve them.

The rules include the keeping of a Register of Interests. The Register lists direct or indirect pecuniary interests which members of the public might reasonably think could influence Board Members' judgement. Board Members are strongly encouraged to register non-pecuniary interests which relate closely to the Housing Executive's activities, and interests of close family members and persons living in the same household as the Board Member.

- 8.2 The entry of an interest in the Register of Interests does not absolve a Member from the duties imposed on him/her under the Local Government Act (Northern Ireland) 1972, as applied to the Housing Executive (by the Housing (Northern Ireland) Order 1981). [Indirect pecuniary interests arise from connections with bodies which have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs and other organisations. Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these].
- 8.3 The existence of the Register of Interests will be reported once a year in the Housing Executive's Annual Report, published on the Housing Executive website [www.nihe.gov.uk](http://www.nihe.gov.uk) and the fact that there is access to that Register will be made known widely. Board Members are required to update the Register of Interests as changes occur and, at least annually.
- Remuneration from employment, self-employment, directorships, other public appointments etc;
  - Related undertakings i.e. you must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary or

parent of a company (or other undertaking) in which you hold a remunerated directorship;

- Contracts with the public body;
- Houses, land and buildings that you own or have an interest in, which are of significance or relevance to, or bear upon the work and operation of the public body;
- Shares and securities – holdings in a company or organisation which are of significance to or relevance to, or bear upon the work and operation of the public body;
- Relevant non-financial interests including membership or holding office in other public bodies, clubs, societies and organisations such as Trade Unions and voluntary organisations;
- Cases in which a close family members or persons living in the same household as the Board Member may have an interest.

8.4 Members are reminded that the common law requires:

- a. That Members should not participate in the discussion or determination of matters in which they have a direct pecuniary interest;
- b. That when an interest is not of a direct pecuniary kind, Members should consider whether participation in the discussion or determination of a matter would suggest a danger of bias. This should be interpreted in the sense that Members might either unwittingly or otherwise unfairly regard with favour or disfavour, the case of a party to the matter under consideration;
- c. In considering whether a danger of bias exists in relation to a particular decision, Members should assess whether they, a close family member, a person living in the same household as the Board Member, or a firm, business or organisation with which the Board Member is connected are likely to be affected more than the generality of those affected by the decision in question. This would cover, for example, the decision to invite tenders for a contract where a firm with which a Member was connected was significantly better placed than others to win it.

8.5 Where, in accordance with the above guidance, Members do not participate in the discussion or determination of a matter, they should normally withdraw from the meeting (This is because the continued presence of someone who had declared an interest might be thought likely to influence the judgement of the other Members present).

Whether or not Board Members are able, in the light of the considerations above, to participate in the discussion or determination of a matter, they should declare as soon as practicable after a meeting begins if they have an interest, pecuniary or other, in a matter being

considered. They should also disclose any interests in it of which they are aware on the part of close family members and persons living in the same household as the Board Member. In addition, Board Members should consider whether they need to disclose relevant interests of other persons or organisations which members of the public might reasonably think could influence the Member's judgement.

- 8.6 In certain situations, handling a conflict of interest properly may require much more than simply leaving a Board meeting while the matter is being discussed or voted upon. For example, Board Members who have a conflict of interest should;
- a. Not get involved in the setting of criteria for the assessment of the grant, tender etc;
  - b. Not get involved in the actual preparation of the grant, tender or subsequent presentations, interviews etc.) if at all possible;
  - c. Not receive any relevant papers in advance of the meeting;
  - d. Not be present for the discussion or voting or receive any minutes relating to that part of the meeting;
  - e. Not use their position as a Board Member to try and improperly influence a decision by lobbying and other Board Member(s) or by contacting another Board Member to represent their interests at the meeting.
- 8.7 It is extremely important that there should be a level playing field with no advantage (real or perceived) given to Board Member(s) or to individuals or organisations with Board connections or representation.
- 8.8 It is the responsibility of Members to ensure they are familiar with the Housing Executive's rules on handling conflict of interests, that they comply with these rules and that their entry in the Housing Executive's Declaration of Interests register is accurate and up to date. Any Member who is uncertain about any aspect of this matter should seek guidance from the Chair and/or Chief Executive who, in turn, may seek advice from the sponsor department.
- 8.9 Because executive NDPBs are required, other than exceptionally, to follow generally accepted accounting practice, Board Members must facilitate compliance with the need under Financial Reporting Standard 8 ("FRS 8") for material transactions with related parties to be disclosed in financial statements. "Related parties" in FRS 8 include (in addition to business contacts) close members of the family of an individual, who are defined for the purpose of the Standard as those family members, or members of the same household, who may be expected to influence, or be influenced by, that person in their dealings with the Housing Executive.
- 8.10 The Board will adopt safeguards to prevent conflicts of interest arising from the acceptance of outside appointments during or after tenure as

a Board Member, taking account of guidance from their sponsor teams. Such safeguards are contained in the HOUSING EXECUTIVE Code of Conduct for Housing Executive Officers 2012, (the Staff Code) paragraph 18.

## **9.0 Personal Liability of Board Members**

- 9.1 Although any legal proceedings initiated by a third party are likely to be brought against the Board, in exceptional cases proceedings (civil or, in certain cases, criminal) may be brought against the Chair or other individual Board Members. For example, a Board Member may be personally liable if he or she makes a fraudulent or negligent statement which results in loss to a third party. Board Members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.
- 9.2 However the Government has indicated that individual Board Members who have acted honestly and in good faith will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Board functions, save where the Member has acted recklessly.

Board Members who need further advice should consult the Housing Executive's Legal Department.

## **10.0 Openness and Responsiveness**

- 10.1 Board Members and Officers should conduct all their dealings with the public in an open and responsible way to ensure full compliance with the principles of the Freedom of information Act 2000; the Data Protection Act 1998 and Environmental Information Regulations 2004.

They should take account as far as possible of the Standard of Best Practice for Openness in executive NDPBs and NHS bodies in the First Report of the Committee on Standards in Public Life (Cm 2850-1). The Board has made provisions for public access to a briefing system, so that the public will be aware of Board decisions other than:

- Decisions on issues upon which debate within the Board has not, as yet, resulted in definitive conclusions;
- Decisions on issues which are confidential for other good reasons.

Those arrangements will be given appropriate publicity.

- 10.2 The Board should ensure that it can demonstrate that it is using resources to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or party political purposes. The Board will need to act consistently with the nature of the Housing Executive's functions and the possible need for confidentiality on commercial or other grounds, always subject to the right of the Assembly and auditors to obtain information. There are

internal procedures available to deal with complaints, including those on failure to provide information.

## **11.0 Accountability for Public Funds**

- 11.1 Board Members have a duty to ensure the safeguarding of public funds – which for this purpose should be taken to include all forms of receipts from fees, charges and other sources – and the proper custody of assets which have been publicly funded. They must take appropriate measures to ensure that the Housing Executive at all times conducts its operations as economically, efficiently and effectively as possible, with full regard to the relevant statutory provisions and to relevant guidance in Government Accounting.
- 11.2 Members of the Board are responsible for ensuring that the Housing Executive does not exceed its powers or functions, whether defined in statute or otherwise, or through any limitations on its authority to incur expenditure. They are normally advised on these matters by the Housing Executive's Chief Executive and its Legal Department.

## **12.0 Annual Report and Accounts**

- 12.1 As part of its responsibilities for the stewardship of public funds, the Board of the Housing Executive must ensure that it includes a full statement of the use of such resources in its Annual Report and Accounts. Such accounts should be prepared in accordance with the Accounts Direction issued by the Minister and such other guidance as may be issued, from time to time, by the Department and by the Department of Finance and Personnel.
- 12.2 Subject to any existing statutory requirements, the Housing Executive will continue to produce an Annual Report and Accounts as a single document and will give it appropriate publicity. If the Annual Report is published separately, it will normally contain at least a summary of the annual accounts and in any case will give details of how to obtain the full accounts. A statement by the auditors will be included in the summary to confirm that it is consistent with the annual accounts. It will also state whether the report on the annual accounts was qualified and provide details if this was the case.
- 12.3 The Annual Report and Accounts will provide a full description of the Board's activities; state the extent to which key strategic objectives and agreed financial and other performance targets have been met; list the names of the current Members of the Board and senior staff; and provide details of remuneration of Board Members and senior staff in accordance with Treasury guidance. The Annual Report will contain information on access to registers of interests in accordance with paragraph 8 above.

## **13.0 The Role of the Chief Executive**

- 13.1 The Chief Executive has responsibility, under the Board, for the overall organisation, management, and staffing of the Housing Executive and for its procedures in financial and other matters, including conduct and discipline. This involves the promotion by leadership and example of the values embodied in the Nolan Committee's Seven Principles of Public Life. Board Members should support the Chief Executive in undertaking this responsibility.
- 13.2 The Chief Executive is the Housing Executive's accounting officer. He/she is responsible to the Assembly and to the Department's accounting officer for the resources under his/her control. The essence of the role is a personal responsibility for the propriety and regularity of the public finances for which he or she is answerable; for the keeping of proper accounts; for prudent and economical administration; for the avoidance of waste and extravagance; and for the efficient and effective use of all the resources in their charge. The accounting officer has a responsibility to see that appropriate advice is tendered to the Board on all these matters. Satisfactory performance of these responsibilities is fundamental to the role of the Chief Executive.
- 13.3 More detailed guidance on the role of an accounting officer is set out in The Responsibilities of a NDPB Accounting Officer. All Board Members should ensure that they have a copy of this document. The Treasury's handbook, 'Regularity and Propriety', describes what these concepts mean in a financial context. Although the handbook is intended primarily for accounting officers, Board Members should also familiarise themselves with it.
- 13.4 The responsibilities of the Audit & Risk Assurance Committee will overlap with those of the accounting officer. It is envisaged that he or she will normally attend all meetings of the Audit & Risk Committee, unless exceptionally, his or her own performance is being discussed.

## **14.0 Audit & Risk Assurance Committee**

- 14.1 The Board will continue to have an Audit & Risk Assurance Committee as a Committee of the Board. Members of the Committee will be chosen by the Board. The Committee will be chaired by a Board Member other than the Chair of the Board, who has experience in financial matters. The Terms of Reference of the Audit & Risk Assurance Committee are available on the Housing Executive website [www.nihe.gov.uk](http://www.nihe.gov.uk).

## **15.0 The Board as Employer**

- 15.1 The Board will seek to ensure:
- That it complies with all relevant legislation and that it employs suitably qualified staff who will discharge their responsibilities in accordance with the high standards expected of staff employed



by the Housing Executive. All staff should be familiar with the Housing Executive's main aims and objectives;

- That the Organisation adopts management practices which use resources in the most economical, efficient and effective manner;
- That the Housing Executive's rules for the recruitment and management of staff provide for appointment and advancement on merit on the basis of equal opportunity for all applicants and staff. In filling senior staff appointments, the Board will seek to satisfy itself that an adequate field of qualified candidates is considered, and should always consider the merits of full open competition. In recruiting external candidates, this should normally be used;
- That its staff and the Board's own Members, have appropriate access to expert advice and training opportunities in order to enable them to exercise their responsibilities effectively.

15.2 The Board has adopted a code of conduct for its staff, having taken account of the model issued for executive NDPBs by the Cabinet Office (OPS) in August 1996. The Code includes a 'Whistleblowing' policy enabling members of staff to raise concerns about propriety with a nominated Officer or Board Member in the first instance and subsequently, if necessary, with a nominated official in the Department. There will be safeguards to prevent conflicts of interest when staff leave.

15.3 The Board has a responsibility to monitor the performance of the Chief Executive and other senior staff. Where the terms and conditions of employment of the Chief Executive and other senior staff include an entitlement to be considered for performance-related pay, and where such payments are assessed by Board Members, the Board will ensure that they have access to the information and advice required to make the necessary judgements.

## **16.0 Responsibilities towards Employees**

16.1 Board Members will treat any staff employed by the body with courtesy and respect. It is expected that employees will show Board Members the same consideration in return.

16.2 Board Members will not ask or encourage employees to act in any way which would conflict with their own Code of Conduct.

## ***Appendix 1 - Powers Reserved to the Board***

### **Statutory schemes**

1. Approval of the terms of any draft or amended draft of:
  - a. House Sales Scheme;
  - b. Emergency House Repairs Scheme;
  - c. Housing Selection Scheme;
  - d. Scheme for the Purchase of Evacuated Dwellings (SPED);
  - e. Schemes under the Northern Ireland Act 1998;
  - f. The Rent Scheme;
  - g. HMO Registration Scheme;
  - h. All other statutory schemes not mentioned above.

### **Governance**

2. Approval of Standing Orders and of a schedule of matters reserved to the Board;
3. Approval of a scheme of delegation of powers from the Board to officers;
4. Approval of governance policy changes including those relating to the dossier of controls;
5. Approval of framework document and of any modifications to it;
6. Approval of staff code of conduct;
7. Establishment of Board committees;
8. Approval of the Board's Operating Framework and Board Code of Practice and of any modifications to these documents;
9. Continuous oversight of the activities of the Executive, by means of the receipt of such reports, of committees and officers as the Board sees fit. In particular, all monitoring returns to Government and to other public bodies shall be reported, at least in summary, to the Board;
10. Approval of the terms of:
  - a. Appointments and promotions procedure;
  - b. Disciplinary procedure;
  - c. Redeployment procedure;
  - d. Redundancy procedure;
  - e. Premature retirement/early retirement scheme;
  - f. Employment equal opportunities policy;
  - g. Whistleblowing Policies.
11. The appointment of the Chief Executive and other Directors;
12. The appraisal, disciplining and dismissal of a Chief Executive;
13. Approval of the composition of the Chief Executive's Business Committee;

14. Approval of the performance-related element of the Chief Executive's pay;
15. Approval of any substantial organisational restructuring.

**Policy, strategy, plans, budgets and risk register**

16. Development and review of key policies as deemed appropriate by the Board;
17. Definition of the strategic aims, objectives and key results areas of the Executive;
18. Approval of the Corporate Plan and Business Plan;
19. Approval of the revenue and capital budgets;
20. Approval of the Board Risk Register.

**Land & Property issues (excluding Social Housing Development Programme)**

21. Acquisition, disposal (including sale) of any asset exceeding £500,000;
22. Approval of applications for all vesting orders;
23. Declarations of Urban Renewal Areas, of proposed redevelopment areas, of Housing Action Areas, of clearance areas and of rehabilitation schemes; and extensions and cancellations of such declarations;
24. Approval of the transfer of Executive stock to registered housing associations and social landlords;
25. Approval of the Undeveloped Land Schedule (ULS).

**Housing issues**

26. Approval of the delegation of housing management functions to external bodies.

**Financial arrangements**

27. Approval of financial regulations;
28. Approval of banking arrangements including the opening or closing of any bank or investment account (other than joint deposit receipts in conveyancing transactions);
29. Approval of the Executive's Counter Fraud Policy and Response Plan.

**Audit arrangements**

30. Approval of audit arrangements, receipt of reports of Audit Committee meetings and the taking of any appropriate action.

### **Annual reports and accounts**

31. Consideration and approval of the Executive's annual report and accounts and of associated accounting policies.

### **Approval of expenditure**

32. Generally, the Annual Budget approval by the Board provides authority to incur all expenditure specified within the Budget (subject to the requisite CXBC and other delegations as appropriate), subject to the following which require separate Board approval;
33. Whenever such expenditure on a particular heading or programme (e.g. procurement strategy for response and planned maintenance, IT services) requires to be tendered, then the authority to incur such expenditure (i.e. before being tendered) will require specific Board approval where the value is in excess of £1,000,000. Approval by the Board of the successful tender will only be required when the tender amount varies from the value originally approved by the Board by less than or more than 10%;
34. Where proposed expenditure exceeding £1,000,000 on a heading or programme has not specifically been provided for in the approved Annual Budget, then the authority to incur such expenditure must be approved by the Board. If such expenditure requires to be tendered and the successful tender amount varies from the value originally approved by the Board by less than or more than 10%, then a further Board approval will be required.

### **Other contracts**

35. Approval of successful tender for banking services.

### **Financial/other assistance to external bodies & groups**

36. Approval of financial and other assistance to voluntary organisations concerned with homelessness, if the value of the assistance to a particular recipient (in cash and/or in kind) exceeds £100,000 in any financial year;
37. Approval of financial assistance to housing associations, charities and/or other approved bodies towards the provision of, or facilitating the carrying out of, works or services for owners or occupiers of any dwellings, if the value of the assistance to a particular recipient (in cash and/or in kind) exceeds £100,000 in any financial year;
38. Approval of financial assistance to voluntary organisations/bodies and to community groups if the value (in cash and/or in kind) of the assistance to a particular recipient (in cash and/or in kind) exceeds £100,000 in any financial year.

**Supporting People**

39. Approval of funding to service providers, pursuant to the Housing (Support Services) Order 2002, if the value (in cash and/or in kind) of the assistance to a particular recipient (in cash and/or in kind) exceeds £100,000 in any financial year.

**Social Housing Development Programme**

40. Approval of the annual Social Housing Development Programme, pursuant to the Housing (Amendment) (Northern Ireland) Order 2006.

## **Appendix 2 - Extract from Staff Code 2015**

### **16.0 Gifts and Hospitality**

- 16.1 Officers must comply with all Housing Executive rules, in relation to the acceptance of personal sponsorship, gifts and/or hospitality, which apply generally or which apply in particular to their post. While no malice may be intended on the part of the person offering gifts or hospitality Officers must recognise the risks that may arise of conflict, real or perceived, being construed by their acceptance and at all times protect both the Housing Executive's and their own integrity.
- 16.2 Officers must not accept significant personal gifts from current or potential contractors, suppliers, or service-providers, or from members of the public. Isolated gifts of token value such as pens, diaries, etc. can be considered to be insignificant.
- 16.3 Officers must only accept offers of hospitality if there is a genuine need to impart information or represent the Housing Executive in the community. Offers to attend purely social or sporting functions must be accepted only when they are part of the life of the community or where the Housing Executive should be seen to be represented. The acceptance of any hospitality must be properly authorised and all offers must be recorded on the Staff Interest Register in accordance with relevant Housing Executive rules.
- 16.4 The handling of offers of hospitality requires Officers to exercise careful judgement but the basic principle must be that where there is any risk that the acceptance of an offer of hospitality could reasonably be perceived as influencing an Officer in the exercise of their official duties, it must be refused. All offers of hospitality whether accepted or not must be recorded on the Staff Interest Register.
- 16.5 When considering whether or not to accept authorised hospitality (see paragraph 16.3), Officers must also be particularly sensitive as to its timing in relation to decisions which the Housing Executive may be taking, if those decisions are likely to affect those providing the hospitality.
- 16.6 Acceptance by Officers of hospitality through attendance at relevant conferences and courses is acceptable if any of the following conditions apply:
- The Designated Manager consents in advance (see Appendix 1);
  - The Designated Manager is satisfied that any official decisions are not compromised.
- 16.7 Where a visit is necessary, to inspect equipment for example, it will usually be appropriate for the Housing Executive to meet the cost of the visit in order to avoid jeopardising the integrity of the Housing Executive in subsequent purchasing decisions.

## **Appendix 3 – Gifts and Hospitality Policy (June 2015)**

### **1.0 Hospitality, Gifts and Awards**

- 1.1 This policy applies to all employees and other individuals performing functions within the Housing Executive.
- 1.2 This policy should be read in conjunction with the Code of Conduct for Housing Executive Officers (the Staff Code).
- 1.3 It is a requirement of the Code of Conduct (the Staff Code) that all Officers comply with Housing Executive rules, in relation to the acceptance or provision of sponsorship, gifts and/or hospitality, which apply generally or which apply in particular to their post. Full details on these rules can be found within the 'Hospitality, Gifts and Awards Financial Control Procedure' available on Gateway.
- 1.4 In accordance with the Procedure, Officers are also required to record gifts, hospitality and awards provided by them or offered to them, on the Staff Declaration Register.
- 1.5 With the exception of seasonal or modest gifts (with an estimated value of less than £10), all gifts and hospitality offered, whether accepted or declined, must be recorded in the Staff Declaration Register.
- 1.6 The provisions of the Code of Conduct (the Staff Code) are set out below.

### **2.0 Gifts and Hospitality**

- 2.1 Officers must comply with all Housing Executive rules, in relation to the acceptance of personal sponsorship, gifts and/or hospitality, which apply generally or which apply in particular to their post. While no malice may be intended on the part of the person offering gifts or hospitality, Officers must recognise the risks that may arise from any conflict of interest, whether real or perceived, being construed by their acceptance and at all times protect both the Housing Executive's and their own integrity.
- 2.2 Officers must not accept significant personal gifts from current or potential contractors, suppliers, or service-providers, or from members of the public. Isolated gifts of token value such as pens, diaries, etc. can be considered to be insignificant.
- 2.3 Officers must only accept offers of hospitality if there is a genuine need to impart information or represent the Housing Executive in the community. Offers to attend purely social or sporting functions must be accepted only when they are part of the life of the community or where the Housing Executive should be seen to be represented. The acceptance of any hospitality must be properly authorised and all offers

must be recorded on the Staff Declaration Register in accordance with relevant Housing Executive rules.

- 2.4 The handling of offers of hospitality requires Officers to exercise careful judgement but the basic principle must be that where there is any risk Gifts and Hospitality Policy that the acceptance of an offer of hospitality could reasonably be perceived as influencing an Officer in the exercise of his/her official duties, it must be refused. All offers of hospitality whether accepted or not must be recorded on the Staff Declaration Register.
- 2.5 When considering whether or not to accept authorised hospitality (see paragraph 16.3 of the Code of Conduct), Officers must also be particularly sensitive as to its timing in relation to decisions which the Housing Executive may be taking, if those decisions are likely to affect those providing the hospitality.
- 2.6 Acceptance by Officers of hospitality through attendance at relevant conferences and courses is acceptable if any of the following conditions apply:
  - i) The Designated Manager consents in advance (see Appendix 1 of the Code of Conduct).
  - ii) The Designated Manager is satisfied that any official decisions are not compromised.
- 2.7 The Code of Conduct (Staff Code) is designed for the protection of the public and protection of individual members of staff. The NJC Conditions of Service (Green Book) rightly states that the public is entitled to demand of a Local Government Officer conduct of the highest standard, and public confidence in their integrity would be shaken were the least suspicion, however ill-founded, to arise that they could in any way be influenced by improper motives.
- 2.8 The Housing Executive, in addition, wishes all Officers to note the information contained in annual HR Bulletins - 'Harassment and Work Related Activities' and 'Social Functions in Official Housing Executive Premises'.
- 2.9 The Housing Executive takes these issues seriously and therefore places upon every Officer the responsibility to abide by the Code of Conduct in principle and detail.